

**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 11, 2004

SUBJECT: **2003-0892 – Steve Lu [Applicant] Cherry Chase Investors**
[Owner]: Application for a 238,273 square foot site located at
649 South Bernardo Avenue, Suite B in a C-2/PD
 (Highway Business/Planned Development) Zoning District
 (APN: 198-16-004):

Motion	Use Permit to allow a new restaurant
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REPORT IN BRIEF

Existing Site Shopping Center

Conditions

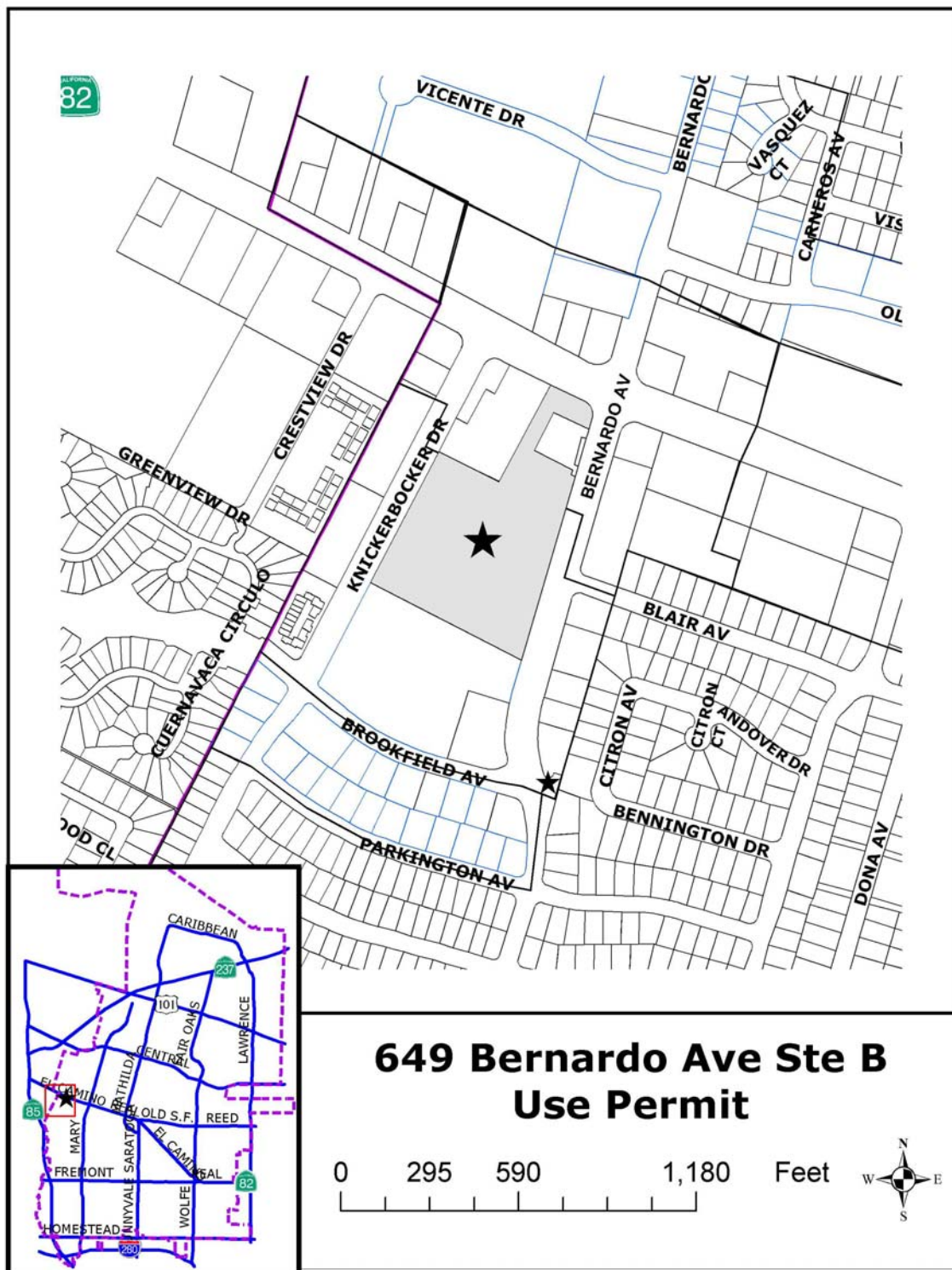
Surrounding Land Uses

North	Shopping Centers
South	Medical Offices, Apartments
East	Hotel and Office Uses
West	Condominiums and Shopping Centers

Issues No issues

Environmental Status	A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.
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Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Commercial General Business	Same	N/A
Zoning District	C-2/PD	Same	N/A
Lot Size (s.f.)	238,273	Same	N/A
Gross Floor Area (s.f.)	68,782 (building) 2,500 (tenant space)	Same	No max.
Lot Coverage (%)	28.9%	Same	35% max.
Floor Area Ratio (FAR)	28.9%	Same	50% max.
Parking			
• Total No. of Spaces	394	Same	363 min. (see parking analysis in Parking section of this report)

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site. If approved, the proposed restaurant will occupy the tenant space currently occupied by Le Pain D'or Bakery.

File Number	Brief Description	Hearing/Decision	Date
1990-0298	Special Development Permit for chairs and tables at Le Pain D'or Bakery	Administrative Hearing/Approved	1/22/91

Description of Proposed Project

The applicant is proposing a Thai noodle restaurant that would occupy an existing 2,500 square foot tenant space in the Cherry Chase shopping center located on the southwest corner of West El Camino Real and South Bernardo Avenue.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor additions to existing facilities.

Use Permit

Use: The proposed use is a dine-in Thai noodle restaurant in an existing shopping center that has a mix of office, retail, grocery and restaurant uses. The restaurant would have a 733 sq. ft. dining area and a beverage counter that will serve beer and other non-alcoholic beverages. To meet building and fire code requirements, the dining area was designed for a maximum seating capacity of 49. If the applicant wished to provide more than 49 seats, a second fire exit would have to be constructed. This option was discussed with the applicant and he has chosen to limit seating capacity to 49.

The proposed hours of operation are 10:00 a.m. to 10:00 p.m. daily. If the proposed project is approved, 13% of the square footage in the shopping center would be occupied by restaurants. Because restaurants typically create higher demand for parking than other commercial uses, staff considered the potential impact on parking in the shopping center. The shopping center has 394 parking spaces. With an additional restaurant, the total parking requirement for the mix of uses in the shopping center would be 363 spaces (see parking analysis in **Parking** section of this report).

Site Layout: Cherry Chase shopping center is comprised of two buildings on the southwest corner of West El Camino Real and South Bernardo Avenue. One of the buildings is occupied mainly by a Safeway grocery store. The subject tenant space is located between a dental office and a golf clubs/lessons shop in the second building.

Parking: If the proposed project is approved, 363 parking spaces would be required to support the mix of uses in Cherry Chase Shopping Center. There are 394 parking spaces in the shopping center, which provides ample parking to support the proposed restaurant. The table below contains a detailed parking analysis showing required parking for each use and total parking required for the shopping center.

Parking Analysis:

Use	Sq. Ft.	Parking Ratio (spaces per sq. ft.)	Parking Spaces Required
Proposed Restaurant	2,500	1/110	23
Restaurant	1,600	1/110	15
Restaurant	3,200	1/110	30
Bakery (retail)	1,600	1/225	8
Personal Service	1,600	1/225	8
Restaurant	1,600	1/75	22
Personal Service	1,600	1/225	8
Retail	2,700	1/225	12
Dental Office	2,600	1/200	13
Personal Service	2,600	1/225	12
Vacant (retail)	1,600	1/225	8
Personal Service	1,600	1/225	8
Grocery Store (retail)	44,000	1/225	196

Total Spaces Required: 363

Solid Waste Collection: The property owner has agreed to allow the applicant to store a dumpster in an existing trash enclosure located in the rear of the shopping center. Solid Waste staff reviewed the proposed dumpster capacity and location and find them both to be acceptable.

Transportation Impact Fee

No traffic impact fee will be required for this project because the restaurant would replace a use of similar impact (retail).

Compliance with Development Standards

The project complies with all applicable development standards.

Expected Impact on the Surroundings

No negative impact on the surroundings is expected.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Use Permit.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

No public correspondence has been received for this project.

Alternatives

1. Approve the Use Permit with the attached conditions.
2. Approve the Use Permit with modified conditions.
3. Deny the Use Permit.

Recommendation

Alternative 1.

Prepared by:

Christine Cannizzo
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Floor Plans

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

Land Use and Transportation Element:

Goal C4: Sustain a strong local economy that contributes fiscal support for desired city services and provides a mix of jobs and commercial opportunities.

The proposed project would occupy a soon-to-be vacant tenant space in an existing shopping center and would contribute to the local economy.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

The proposed project would not negatively impact surrounding existing uses or future development of surrounding properties.

Conditions of Approval – Use Permit

In addition to complying with all applicable Federal, State and local rules and regulations, including the Sunnyvale Municipal Code the permittee expressly accepts and agrees to comply with the following conditions of approval for this permit.

1. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to expiration date.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. This Use Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
4. Submit a detailed recycling and solid waste disposal plan including trash enclosure design and locations to the Director of Community Development for approval prior to issuance of a building permit.
5. Hours of operation shall be limited to 10:00 a.m. to 10:00 p.m. daily.
6. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.
7. Obtain a liquor license for the sale of beer from the Department of Alcohol and Beverage Control.